

REMARKS

Claims 1, 2, and 4–16 are pending in this application. By this Amendment, the specification and claims 1, 2, and 4–12 are amended, claims 13–16 are added, and claim 3 is canceled. Support for the amendments and added claims may be found, for example, in original claims 1–13, and in the specification at page 15, lines 1–5. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Kugel in the September 14, 2006 personal interview. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Specification

The specification is amended to correct several minor errors, and to correct the improper use of a trademark, as suggested by the Examiner.

II. Rejection under 35 U.S.C. §101 and 35 U.S.C. §112, Second Paragraph

The Office Action rejects claim 12 under 35 U.S.C. §101 and 35 U.S.C. §112, second paragraph, for the claimed recitation of a use without setting forth any steps involved in the process, and as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 is amended by replacing the term "using" with "comprising." Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection Under 35 U.S.C §102

A. Akashi

The Office Action rejects claims 1–9 and 11–13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,287,485 to Akashi et al. ("Akashi"). Applicants respectfully traverse the rejection.

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See* MPEP §2131.

Independent claims 1, 12, and 13, as amended, all require "at least one other polymer compound is at least partially soluble in the liquid; and at least a portion of the at least partially soluble polymer compound is included in the three-dimensional crosslinked structure." The specification makes it clear that at least one of the polymer compounds is either partially or entirely soluble in the liquid. *See, e.g.*, Specification at page 15, lines 1–5.

During the personal interview, it was discussed whether a partially soluble polymer compound is anticipated by the applied references, but no agreement was reached. Akashi does not expressly or inherently describe such a feature. Instead, as asserted in the Office Action, Akashi teaches a polymer gel "comprising a crosslinked and/or interpenetrating network of polymers of (meth)acrylamide and meth(acrylic acid)..." *See* Office Action, page 4, last paragraph. One skilled in the art would readily recognize that such crosslinked or interpolymerized structures would render a polymer compound insoluble in the liquid. In light of the methods disclosed by Akashi in obtaining the gels as described in the examples, there is no indication or suggestion that the polymers are anything but continuously crosslinked. However, in the instant application, it is discussed how to form a crosslinked structure in only a portion of a liquid-compatible polymer compound. *See, e.g.*, Specification at page 17, lines 12–21. Akashi does not teach or suggest any such methods. Therefore,

Akashi does not describe each and every feature of the independent claims, and thus cannot be said to anticipate the claims.

Akashi does not anticipate claims 1, 12, and 13. Claims 2, 4–9 and 11 variously depend from claim 1 and, thus, also are not anticipated by Akashi. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Ilmain

The Office Action rejects claims 1–9 under 35 U.S.C. §102(b) as being anticipated by Frank Ilmain et al., *Nature*, vol. 349, page 400 (1991) ("Ilmain"). Applicants respectfully traverse the rejection.

As asserted in the Office Action, Ilmain teaches a polymer gel composition comprising "particles of a polymer gel comprised of crosslinked partially ionized poly(acrylic acid) interpolymerized within a crosslinked poly(acrylamide) gel..." *See* Office Action, page 5, paragraph 2. As discussed above, such crosslinked compounds are not soluble in the liquid. Ilmain provides no teaching or suggestion that any of the polymer compounds are only partially crosslinked. Instead, in the method described by Ilmain, it states that "extensive polymerization took place." *See*, Ilmain at page 349, column 2. Therefore, Ilmain does not describe each and every feature of the independent claims, and thus cannot be said to anticipate the claims.

Ilmain does not anticipate claim 1. Claims 2 and 4–9 variously depend from claim 1 and, thus, also are not anticipated by Ilmain. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Katono

The Office Action rejects claims 1, 2, and 4–9 under 35 U.S.C. §102(b) as being anticipated by Hiroki Katono et al., *Journal of Controlled Release*, 16 (1991) 215–228 ("Katono"). Applicants respectfully traverse the rejection.

Although Applicants do not necessarily agree with the rejection, claim 1 is amended to incorporate the limitations of non-rejected claim 3. Accordingly, the rejection is overcome.

Katono does not anticipate claim 1. Claims 2 and 4–9 variously depend from claim 1 and, thus, also are not anticipated by Katono. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

D. Ishii

The Office Action rejects claims 1–13 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0121017 ("Ishii"). Applicants respectfully traverse the rejection.

As asserted in the Office Action, Ishii teaches a polymer gel "comprising a interpenetrating network of two polymers..." See Office Action, page 6, lines 1–3. As discussed above, such crosslinked compounds are not soluble in the liquid. Ishii provides no teaching or suggestion that any of the polymer compounds are only partially crosslinked. The methods disclosed by Ishii, as described in the Examples, provide no indication or suggestion that the polymers are anything but continuously crosslinked. Therefore, Ishii does not describe each and every feature of the independent claims, and thus cannot be said to anticipate the claims.

Ishii does not anticipate claims 1, 12, and 13. Claims 2 and 4–11 variously depend from claim 1 and, thus, also are not anticipated by Ishii. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejection Under 35 U.S.C §102/§103

The Office Action rejects claims 1, 2, 4, and 6–10 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,891,119 to Ogawa ("Ogawa"). Applicants respectfully traverse the rejection.

Claim 1 is amended to contain the subject matter of canceled claim 3, which was not rejected by the Office Action under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Ogawa. Claims 2, 4, and 6–10 variously depend from claim 1 and, thus, also are not anticipated by and would not have been rendered obvious by Ogawa. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. New Claims

By this Amendment, new claims 14–16 are presented. New claims 14–16 depend from independent claims 1, 12, and 13 respectively and, thus, distinguish over the applied references for at least the reasons discussed above with respect to claims 1, 12, and 13. Prompt examination and allowance of new claims 14–16 are respectfully requested.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, and 4–16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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